

**REMARKS**

**I. Status of the Claims**

Claims 1-17, 80-86, 88, 93, 94, 99 and 100 have been canceled herein, without prejudice or disclaimer. Claims 18-78 and 101-104 were previously canceled. Claims 79, 87, 89-92, and 95-98 have been amended relative to the allowed claims to more particularly point out and distinctly claim that which Applicants consider to be the invention. For the Examiner's convenience, Applicants attach herewith Appendix A, which is a marked up version of claims 79, 87, 89-92, and 95-98, showing the changes to the previously allowed claims, relative to the claims presented herein. Claims 105-154 have been added. Claims 79, 87, 89-92, 95-98, and 105-154 are now pending in this application.

Support for each amendment to each of claims 79, 87, 89-92, and 95-98, and each element of claims 105-154, can be found in the original specification and claims, as set forth in detail in Table 1, below. References to the original specification and claims are made with respect to column and line numbers in U.S. Patent No. 5,985,297 ("the '297 patent"), the specification of which is identical to the present reissue application. Applicants note that claims 79, 87, 89-92, and 95-98 in Table 1 are the marked-up versions, as found in Appendix A attached herewith, to assist the Examiner's comparison. Since all of the inventions recited in claims 79, 87, 89-92, 95-98 and 105-154 as presented herein are conveyed by the specification and original claims, the written description requirement under 35 U.S.C. § 112, first paragraph, is satisfied for each claim, and there is no issue of new matter.

**TABLE 1**

| Claim/Element   | Support in Original Application   |
|---|---|
| <p>79. A cosmetic composition comprising from 2% to 50% of at least one silicone gum, at least one <del>material selected from the group consisting of a volatile silicone oil, a nonvolatile silicone oil, and a</del> crosslinked silicone,</p> <p><del>from 0.5% to 15% of</del> at least one pigment <u>in an amount up to 15%,</u></p> <p><del>and from 0 to 30% of</del> <u>optionally</u> at least one filler <u>in an amount up to 30%,</u></p> <p><u>and at least one gelling agent,</u></p> | <p>- Removal of "volatile silicone oil" and "nonvolatile silicone oil" → see, e.g., col. 2, lines 64-67, wherein the composition is described to "preferably" comprise a silicone oil, thereby conveying that the composition may comprise no silicone oil; likewise, the composition may comprise no volatile and non-volatile silicone oils, which are silicone oils that "may be used"</p> <p>- Removal of lower range of pigment → see, e.g., col. 1, lines 58-62, wherein the pigments are described as "preferably" being present in an amount of 0.5% to 15%, thereby conveying that other, lower ranges of pigments are contemplated but not necessarily preferred</p> <p>- Filler → see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that fillers may be present in an amount of 0%, i.e. not present, and are therefore an optional component and in an amount up to 30%, when present</p> <p>- Gelling agent → throughout, e.g., col. 3, line 65 to col. 4, line 4, Examples, and issued claim 17</p> |

[illegible]

| Claim/Element  | Support in Original Application   |
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| <p>89. A <u>cosmetic</u> composition according to claim 79, which is in <del>the</del> <u>a form chosen from</u> <del>of a</del> <u>make-up products or a</u> <u>and</u> <u>hair products</u>.</p>   | <p>conveyed</p> <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 89 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- Editorial changes are all conveyed</p> |
| <p>90. A <u>cosmetic</u> composition according to claim 89, wherein said <u>make-up products</u> <u>are</u> <u>is-chosen from</u> <u>a lipsticks, a blushers, an eyeshadows, and or</u> <u>a foundations</u>, and said <u>hair products</u> <u>are chosen from</u> <u>is-a styling make-up gels</u>.</p> | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 90 indirectly depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- Editorial changes are all conveyed</p>      |
| <p>91. A <u>cosmetic</u> composition according to claim 79 for application to the lips.</p>  | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 91 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p>   |
| <p>92. A <u>cosmetic</u> composition according to claim 79</p>   | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 92 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p>   |

| Claim/Element   | Support in Original Application   |
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| <p><u>comprising at least one filler in an amount up to 30%,</u></p> <p>wherein said at least one filler is <u>chosen from talc, mica, silica, kaolin, nylon powders, polyethylene powders, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres.</u></p> | <p>- at least one filler: see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%</p> <p>- Specific fillers → throughout, e.g., col. 3, lines 51-57</p>  |
| <p>95. A <u>cosmetic</u> composition according to claim 79, <u>comprising wherein said at least one</u></p> <p><u>gelling agent is chosen from a-modified clays.</u></p>  | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 95 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- gelling agent chosen from modified clays → throughout, e.g., col. 3, line 65 to col. 4, line 4, and Examples</p> <p>- Editorial changes are all conveyed</p> |
| <p>96. A <u>cosmetic</u> composition according to claim 79, <u>comprising a crosslinked silicone, and wherein said at least one crosslinked silicone is chosen from a-silicone resins.</u></p>  | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 96 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- Editorial changes are all</p>  |

| Claim/Element   | Support in Original Application  |
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|   | conveyed   |
| <p>97. A <u>cosmetic</u> composition according to claim 79, wherein said at least one silicone gum is a gum wherein (a)-R1 to R6 and X are methyl.</p>  | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 97 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p>  |
| <p>98. A <u>cosmetic</u> composition according to claim 79, wherein said at least one silicone gum is a gum wherein R1 to R6 and X are methyl, and p [[=]] is 0.</p>  | <p>-cosmetic → throughout; see, e.g., claim 79 from which claim 98 depends and col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- Editorial change is conveyed</p>  |
| <p>105. A method of treating lips comprising applying to said lips a cosmetic composition comprising:</p> <p>at least 2% of at least one silicone gum;</p> <p>at least one crosslinked silicone;</p> <p>at least one gelling agent;</p> | <p>- Method of treating lips → throughout, e.g., Example 4, wherein a lipstick was prepared and applied to the lips “which was smooth upon application and had good staying power”</p> <p>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1</p> <p>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to col. 6, line 29</p> <p>- Gelling agent → throughout, e.g., col. 3, line 65 to col. 4, line 4, Examples, and issued claim 17</p> |

| Claim/Element   | Support in Original Application  |
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| <p>optionally at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{ccccccc}  & R1 & & R3 & & R5 & & R1 \\  &   & &   & &   & &   \\  X - Si & - & O - Si & - & O - Si & - & O - Si & - X \\  &   & &   & &   & &   \\  & R2 & & R4 & & R6 & & R2  \end{array}  $ <p>in which</p> <p>R1, R2, R5 and R6 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms;</p> <p>R3 and R4 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms and aryl radicals;</p> | <p>- Filler → see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that fillers may be present in an amount of 0%, i.e. not present, and are therefore an optional component and can be in an amount up to 30% when present</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that other, lower ranges of pigments are contemplated but not necessarily preferred and that pigment, when present, is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> |

| Claim/Element  | Support in Original Application  |
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| <p>X is chosen from alkyl radicals having from 1 to 6 carbon atoms, hydroxyl radicals, and vinyl radicals; and</p> <p>n and p are independently chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa·s, and</p> <p>wherein said cosmetic composition is anhydrous and water-resistant.</p> | <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and lines 52-67</p>  |
| <p>106. A method according to claim 105, wherein said at least one gelling agent is chosen from modified clays.</p>  | <p>- Modified clay → throughout, e.g., e.g., col. 3, line 65 to col. 4, line 4, and Examples</p>   |
| <p>107. A method according to claim 105, wherein said at least one crosslinked silicone is chosen from silicone resins.</p>  | <p>- Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)</p>   |
| <p>108. A method according to claim 105, comprising at least one filler in an amount up to 30%.</p>  | <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see also, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%</p> |
| <p>109. A method according to claim 105, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.</p>  | <p>- 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1</p>  |
| <p>110. A method according to claim 105, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments.</p>  | <p>- Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11</p>  |
| <p>111. A method of treating lips comprising applying to said lips a cosmetic composition comprising:</p>  | <p>- Method of treating lips → throughout, e.g., Example 4, wherein a lipstick was prepared and applied to the lips "which was smooth upon application and had</p>   |



| Claim/Element  | Support in Original Application  |
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| <p>at least 2% of at least one silicone gum;</p> <p>at least one crosslinked silicone;</p> <p>at least one gelling agent;</p> <p>optionally at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> | <p>good staying power"</p> <p>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1</p> <p>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to col. 6, line 29</p> <p>- Gelling agent → throughout, e.g., col. 3, line 65 to col. 4, line 4, Examples, and issued claim 17</p> <p>- Filler → see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that fillers may be present in an amount of 0%, i.e. not present, and are therefore an optional component and, when present, is in an amount up to 30%</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as "preferably" being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> |

| Claim/Element  | Support in Original Application  |
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| $  \begin{array}{c}  \text{R1} \\    \\  \text{X}-\text{Si}-\left[ \begin{array}{c} \text{R3} \\   \\ \text{O}-\text{Si}-\text{R4} \end{array} \right]_n \left[ \begin{array}{c} \text{R5} \\   \\ \text{O}-\text{Si}-\text{R6} \end{array} \right]_p \begin{array}{c} \text{R1} \\   \\ \text{O}-\text{Si}-\text{R2} \\   \\ \text{X} \end{array} \\    \\  \text{R2}  \end{array}  $ <p>in which</p> <p>each of R1, R2, R3, R4, R5, R6, and X is methyl;<br/> and<br/> n and p are selected so as to give said silicone<br/> gum a viscosity of greater than 100,000 mPa-s,<br/> and</p> <p>wherein said cosmetic composition is anhydrous<br/> and water-resistant.</p> | <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- R1 to R6 and X = methyl → throughout, e.g., col. 2, lines 39-63, and issued claim 6</p> <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and lines 52-67</p> |
| <p>112. A method according to claim 111, wherein said at least one crosslinked silicone is chosen from silicone resins.</p>  | <p>- Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)</p>   |
| <p>113. A method according to claim 111, wherein said at least one gelling agent is chosen from modified clays.</p>  | <p>- Modified clay → throughout, e.g., e.g., col. 3, line 65 to col. 4, line 4, and Examples</p>   |
| <p>114. A method according to claim 111, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.</p>  | <p>- 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1</p>  |
| <p>115. A method according to claim 111, comprising at least one filler in an amount up to 30%.</p>  | <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see also, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that when present, filler is in an amount up to 30%</p>                                    |
| <p>116. A method according to claim 111, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron</p>   | <p>- Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11</p>  |

| Claim/Element  | Support in Original Application  |
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| oxide, cerium dioxide, and organic pigments.   |  |
| <p>117. A cosmetic composition comprising:</p> <p>at least 2% of at least one silicone gum;</p> <p>at least one crosslinked silicone;</p> <p>at least one gelling agent;</p> <p>optionally at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> | <p>- Cosmetic composition → throughout; see, e.g., col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1</p> <p>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to col. 6, line 29</p> <p>- Gelling agent → throughout, e.g., col. 3, line 65 to col. 4, line 4, Examples, and issued claim 17</p> <p>- Filler → see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that fillers may be present in an amount of 0%, i.e. not present, and are therefore an optional component and when present, is in an amount up to 30%</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount</p> |

| Claim/Element   | Support in Original Application  |
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| <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{c}  \text{R1} \\    \\  \text{X}-\text{Si}-\left[ \text{O}-\text{Si} \begin{array}{c} \text{R3} \\   \\ \text{R4} \end{array} \right]_n \left[ \text{O}-\text{Si} \begin{array}{c} \text{R5} \\   \\ \text{R6} \end{array} \right]_p \text{O}-\text{Si} \begin{array}{c} \text{R1} \\   \\ \text{R2} \end{array} -\text{X} \\    \\  \text{R2}  \end{array}  $ <p>in which</p> <p>R1, R2, R5 and R6 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms;</p> <p>R3 and R4 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms and aryl radicals;</p> <p>X is chosen from alkyl radicals having from 1 to 6 carbon atoms, hydroxyl radicals, and vinyl radicals; and</p> <p>n and p are independently chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa·s, and</p> <p>wherein said cosmetic composition is anhydrous and water-resistant.</p> | <p>up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and 52-67</p> |
| <p>118. A cosmetic composition according to claim 117, wherein said at least one gelling agent is chosen from modified clays.</p>   | <p>- Modified clay → throughout, e.g., e.g., col. 3, line 65 to col. 4, line 4, and Examples</p>   |
| <p>119. A cosmetic composition according to claim 117, wherein said at least one crosslinked silicone is chosen from silicone resins.</p>   | <p>- Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)</p>   |
| <p>120. A cosmetic composition according to claim 117, comprising at least one filler in an amount up to 30%.</p>   | <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see also, e.g., col. 3, line 52, wherein the range of fillers is</p>  |

| Claim/Element  | Support in Original Application   |
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|  | given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%  |
| 121. A cosmetic composition according to claim 117, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments. | - Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11  |
| 122. A cosmetic composition according to claim 117, which is in a form chosen from make-up products and hair products.   | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 13  |
| 123. A cosmetic composition according to claim 122, wherein said make-up products are chosen from lipsticks, blushers, eyeshadows, and foundations, and said hair products are chosen from styling make-up gels.   | - Specific make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 14   |
| <p>124. A cosmetic composition comprising:</p> <p>at least 2% of at least one silicone gum;</p> <p>at least one crosslinked silicone;</p> <p>at least one gelling agent;</p>   | <p>- Cosmetic composition → throughout; see, e.g., col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions</p> <p>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1</p> <p>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to col. 6, line 29</p> <p>- Gelling agent → throughout, e.g., col. 3, line 65 to col. 4, line 4, Examples, and issued claim 17</p> |

| Claim/Element   | Support in Original Application  |
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| <p>optionally at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{c}  \text{R1} \\    \\  \text{X}-\text{Si}-\left[ \text{O}-\text{Si} \begin{array}{c} \text{R3} \\   \\ \text{R4} \end{array} \right]_n \left[ \text{O}-\text{Si} \begin{array}{c} \text{R5} \\   \\ \text{R6} \end{array} \right]_p \text{O}-\text{Si} \begin{array}{c} \text{R1} \\   \\ \text{R2} \end{array} -\text{X} \\    \\  \text{R2}  \end{array}  $ <p>in which</p> <p>each of R1, R2, R3, R4, R5, R6, and X is methyl; and</p> <p>n and p are chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa·s,</p> <p>and wherein said cosmetic composition is</p> | <p>- Filler → see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that fillers may be present in an amount of 0%, i.e. not present, and are therefore an optional component and when present, the filler is in an amount up to 30%</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- R1 to R6 and X = methyl → throughout, e.g., col. 2, lines 39-63, and issued claim 6</p> <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10</p> |

| Claim/Element  | Support in Original Application   |
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| anhydrous and water-resistant.   | and lines 52-67   |
| 125. A cosmetic composition according to claim 124, wherein said at least one crosslinked silicone is chosen from silicone resins.   | - Crosslinked silicone resins → Example 3 (Tospearl, which is a silicone resin)   |
| 126. A cosmetic composition according to claim 124, comprising at least one filler in an amount up to 30%.   | - Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1  |
| 127. A cosmetic composition according to claim 124, wherein said at least one gelling agent is chosen from modified clays.   | - Modified clay → throughout, e.g., e.g., col. 3, line 65 to col. 4, line 4, and Examples   |
| 128. A cosmetic composition according to claim 124, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments. | - Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11  |
| 129. A cosmetic composition according to claim 124, which is in a form chosen from make-up products and hair products.   | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 13  |
| 130. A cosmetic composition according to claim 129, wherein said make-up products are chosen from lipsticks, blushers, eyeshadows, and foundations, and said hair products are chosen from styling make-up gels.   | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 14  |
| 131. A method of treating lips comprising applying to said lips a cosmetic composition comprising:<br><br>at least 2% of at least one silicone gum;<br><br>at least one crosslinked silicone;  | - Method of treating lips → throughout, e.g., Example 4, wherein a lipstick was prepared and applied to the lips "which was smooth upon application and had good staying power"<br><br>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1<br><br>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to |

| Claim/Element  | Support in Original Application   |
|--|---|
| <p>at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{ccccccc}  & R1 & & R3 & & R5 & & R1 \\  &   & &   & &   & &   \\  X - Si & - & O - Si & - & O - Si & - & O - Si & - X \\  &   & &   & &   & &   \\  & R2 & & R4 & & R6 & & R2  \end{array}  \left[ \begin{array}{c} \text{ } \\ \text{ } \\ \text{ } \end{array} \right]_n \left[ \begin{array}{c} \text{ } \\ \text{ } \\ \text{ } \end{array} \right]_p  $ <p>in which</p> <p>R1, R2, R5 and R6 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms;</p> <p>R3 and R4 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms and aryl radicals;</p> <p>X is chosen from alkyl radicals having from 1 to 6 carbon atoms, hydroxyl radicals, and vinyl radicals; and</p> | <p>col. 6, line 29</p> <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1 see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%.</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> |



| Claim/Element   | Support in Original Application   |
|---|---|
| <p>n and p are independently chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa-s, and</p> <p>wherein said cosmetic composition is anhydrous and water-resistant.</p>   | <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and lines 52-67</p>   |
| <p>132. A method according to claim 131, wherein said at least one filler is chosen from talc, mica, silica, kaolin, nylon powders, polyethylene powders, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres.</p> | <p>- Specific fillers → throughout, e.g., col. 3, lines 51-57</p>   |
| <p>133. A method according to claim 131, wherein said at least one crosslinked silicone is chosen from silicone resins.</p>   | <p>- Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)</p>  |
| <p>134. A method according to claim 131, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.</p>   | <p>- 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1</p>   |
| <p>135. A method according to claim 131, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments.</p>   | <p>- Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11</p>   |
| <p>136. A method of treating lips comprising applying to said lips a cosmetic composition comprising:</p> <p>at least 2% of at least one silicone gum;</p> <p>at least one crosslinked silicone;</p>  | <p>- Method of treating lips → throughout, e.g., Example 4 at col. 5, line 57 to col. 6, line 9, wherein a lipstick was prepared and applied to the lips "which was smooth upon application and had good staying power"</p> <p>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1</p> <p>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to</p> |

| Claim/Element  | Support in Original Application   |
|--|---|
| <p>at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{ccccccc}  & R1 & & R3 & & R5 & & R1 \\  &   & &   & &   & &   \\  X - Si & - & [O - Si] & - & [O - Si] & - & O - Si - X \\  &   & &   & &   & &   \\  & R2 & & R4 & & R6 & & R2  \end{array}  $ <p>in which</p> <p>each of R1, R2, R3, R4, R5, R6, and X is methyl; and</p> <p>n and p are chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa.s, and</p> <p>wherein said cosmetic composition is anhydrous and water-resistant.</p> | <p>col. 6, line 29</p> <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%.</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- R1 to R6 and X = methyl → throughout, e.g., col. 2, lines 39-63, and issued claim 6</p> <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and lines 52-67</p> |

| Claim/Element  | Support in Original Application  |
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| 137. A method according to claim 136, wherein said at least one crosslinked silicone is chosen from silicone resins.   | - Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)  |
| 138. A method according to claim 136, wherein said at least one filler is chosen from talc, mica, silica, kaolin, nylon powders, polyethylene powders, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres. | - Specific fillers → throughout, e.g., col. 3, lines 51-57   |
| 139. A method according to claim 136, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.   | - 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1   |
| 140. A method according to claim 136, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments.   | - Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11   |
| 141. A cosmetic composition comprising:<br><br>at least 2% of at least one silicone gum;<br><br>at least one crosslinked silicone;<br><br>at least one filler in an amount up to 30%; and  | - Cosmetic composition → throughout; see, e.g., col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions<br><br>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and issued claim 1<br><br>- Crosslinked silicone → Examples 2-5 at col. 4, line 64 to col. 6, line 29<br><br>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, |

| Claim/Element   | Support in Original Application  |
|---|--|
| <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{ccccccc}  & R1 & & R3 & & R5 & R1 \\  &   & &   & &   &   \\  X - Si & - & O - Si & - & O - Si & - & O - Si - X \\  &   & &   & &   &   \\  & R2 & & R4 & & R6 & R2  \end{array}  \left[ \begin{array}{c} \\ \\ \end{array} \right]_n \left[ \begin{array}{c} \\ \\ \end{array} \right]_p  $ <p>in which</p> <p>R1, R2, R5 and R6 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms;</p> <p>R3 and R4 are each independently chosen from alkyl radicals having from 1 to 6 carbon atoms and aryl radicals;</p> <p>X is chosen from alkyl radicals having from 1 to 6 carbon atoms, hydroxyl radicals, and vinyl radicals; and</p> <p>n and p are independently chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa·s, and</p> <p>wherein said cosmetic composition is anhydrous and water-resistant.</p> | <p>when present, is in an amount up to 30%.</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10</p> |

| Claim/Element  | Support in Original Application  |
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|  | and lines 52-67  |
| 142. A cosmetic composition according to claim 141, wherein said at least one filler is chosen from talc, mica, silica, kaolin, nylon powders, polyethylene powders, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres. | - Specific fillers → throughout, e.g., col. 3, lines 51-57   |
| 143. A cosmetic composition according to claim 141, wherein said at least one crosslinked silicone is chosen from silicone resins.   | - Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)  |
| 144. A cosmetic composition according to claim 141, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.   | - 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1   |
| 145. A cosmetic composition according to claim 141, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments.   | - Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11   |
| 146. A cosmetic composition according to claim 141, which is in a form chosen from make-up products and hair products.   | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 13   |
| 147. A cosmetic composition according to claim 146, wherein said make-up products are chosen from lipsticks, blushers, eyeshadows, and foundations, and said hair products are chosen from styling make-up gels.   | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 14   |
| 148. A cosmetic composition comprising:<br><br>at least 2% of at least one silicone gum;   | - Cosmetic composition → throughout; see, e.g., col. 1, line 59 and col. 3, line 58 to col. 4, line 22, wherein additives, processes for manufacture, and formulations are all given with respect to cosmetic compositions<br><br>- 2% silicone gum → throughout, e.g., col. 1, lines 52-62, and |

| Claim/Element  | Support in Original Application  |
|--|--|
| <p>at least one crosslinked silicone;</p> <p>at least one filler in an amount up to 30%; and</p> <p>at least one pigment in an amount up to 15%;</p> <p>wherein said at least one silicone gum is of the formula:</p> $  \begin{array}{c}  \text{R1} \\    \\  \text{X}-\text{Si}-\left[ \text{O}-\text{Si} \begin{array}{c} \text{R3} \\   \\ \text{R4} \end{array} \right]_n \left[ \text{O}-\text{Si} \begin{array}{c} \text{R5} \\   \\ \text{R6} \end{array} \right]_p \text{O}-\text{Si} \begin{array}{c} \text{R1} \\   \\ \text{R2} \end{array} -\text{X} \\    \\  \text{R2}  \end{array}  $ <p>in which</p> <p>each of R1, R2, R3, R4, R5, R6, and X is methyl; and</p> <p>n and p are chosen so as to give said silicone gum a viscosity of greater than 100,000 mPa·s, and</p> | <p>issued claim 1</p> <p>- Crosslinked silicone →<br/> Examples 2-5 at col. 4, line 64 to col. 6, line 29</p> <p>- Filler → throughout, e.g., col. 3, lines 51-57, and issued claim 1; see, e.g., col. 3, line 52, wherein the range of fillers is given as 0-30%, thereby conveying that filler, when present, is in an amount up to 30%.</p> <p>- Pigment → throughout, e.g., col. 3, lines 24-39 and issued claim 1; see also, e.g., col. 1, lines 58-62, wherein the pigments are described as “preferably” being present in an amount of 0.5% to 15%, thereby conveying that when present, pigment is in an amount up to 15%</p> <p>- Formula → throughout, e.g., col. 2, lines 10-63 and issued claim 1</p> <p>- R1 to R6 and X = methyl → throughout, e.g., col. 2, lines 39-63, and issued claim 6</p> |

| Claim/Element   | Support in Original Application  |
|---|--|
| wherein said cosmetic composition is anhydrous and water-resistant.   | - Anhydrous and water-resistant → throughout, e.g., col. 1, lines 8-10 and lines 52-67           |
| 149. A cosmetic composition according to claim 148, wherein said at least one crosslinked silicone is chosen from silicone resins.  | - Crosslinked silicone resins → Example 3 (Tospearl, which is a crosslinked silicone resin)      |
| 150. A cosmetic composition according to claim 148, wherein said at least one filler is chosen from talc, mica, silica, kaolin, powders of nylon and of polyethylene, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres. | - Specific fillers → throughout, e.g., col. 3, lines 51-57                                       |
| 151. A cosmetic composition according to claim 148, wherein said at least one silicone gum is present in an amount ranging from 2% to 50%.  | - 2% to 50% silicone gum → throughout, e.g., col. 2, lines 10-14, and issued claim 1             |
| 152. A cosmetic composition according to claim 148, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, brown iron oxide, cerium dioxide, and organic pigments.    | - Specific pigments → throughout, e.g., col. 3, lines 45-50, and issued claim 11                 |
| 153. A cosmetic composition according to claim 148, which is in a form chosen from make-up products and hair products.  | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 13 |
| 154. A cosmetic composition according to claim 153, wherein said make-up products are chosen from lipsticks, blushers, eyeshadows, and foundations, and said hair products are chosen from styling make-up gels.  | - Make-up products and hair products → throughout, e.g., col. 4, lines 19-22 and issued claim 14 |

**II. Conclusion**

Applicants submit that the present claims are patentable and respectfully request their timely allowance.

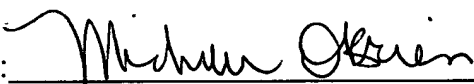
If the Examiner has any questions, she is respectfully requested to contact the undersigned at 202-408-4307.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 20, 2005

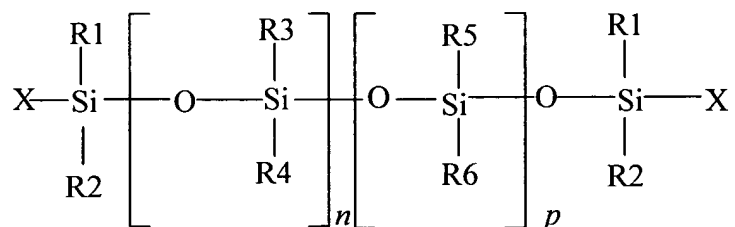
By:   
Michelle E. O'Brien  
Reg. No. 46,203

**Attachment:** Appendix A, showing changes to claims 79, 87, 89-92, and 95-98 as presented herein, relative to previously allowed claims.



**APPENDIX A: CHANGES TO CLAIMS 79, 87, 89-92, AND 95-98**

79. A cosmetic composition comprising from 2% to 50% of at least one silicone gum, at least one ~~material selected from the group consisting of a volatile silicone oil, a nonvolatile silicone oil, and a crosslinked silicone, from 0.5% to 15% of at least one pigment in an amount up to 15%, and from 0 to 30% of optionally at least one filler in an amount up to 30%, and at least one gelling agent,~~ wherein said at least one silicone gum is of the formula:



in which

R1, R2, R5 and R6 are each independently chosen from ~~represents an alkyl radicals~~ having from 1 to 6 carbon atoms;

R3 and R4 are each independently chosen from ~~represents an alkyl radicals~~ having from 1 to 6 carbon atoms and/or aryl radicals;

X is chosen from ~~represents an alkyl radicals~~ having from 1 to 6 carbon atoms, a hydroxyl radicals, and/or a vinyl radicals; and

n and p are independently chosen ~~selected~~ so as to give said silicone gum a viscosity of greater than 100,000 mPa·s, and

wherein said cosmetic composition is anhydrous and water-resistant, ~~and further wherein said composition has cosmetic properties.~~

87. A cosmetic composition according to claim 79, wherein said at least one pigment is chosen from titanium dioxide, zinc oxide, zirconium dioxide, black iron oxide, yellow iron oxide, red iron oxide, ~~or~~ brown iron oxide, cerium dioxide, and ~~an~~ organic pigments ~~or a mixture thereof~~.

89. A cosmetic composition according to claim 79, which is in ~~the~~ a form chosen from ~~of a~~ make-up products ~~or a~~ and hair products.

90. A cosmetic composition according to claim 89, wherein said make-up products are ~~is~~ chosen from a lipsticks, a blushers, ~~an~~ eyeshadows, and ~~or a~~ foundations, and said hair products are chosen from ~~is a~~ styling make-up gels.

91. A cosmetic composition according to claim 79 for application to the lips.

92. A cosmetic composition according to claim 79 comprising at least one filler in an amount up to 30%, wherein said at least one filler is chosen from talc, mica, silica, kaolin, nylon powders, polyethylene powders, Teflon, starch, titanium mica, natural mother of pearl, boron nitride, and hollow microspheres.

95. A cosmetic composition according to claim 79, ~~comprising~~ wherein said at least one gelling agent is chosen from ~~a~~ modified clays.

96. A cosmetic composition according to claim 79, ~~comprising a crosslinked~~  
~~silicone, and~~ wherein said at least one crosslinked silicone is chosen from ~~a~~-silicone  
resins.

97. A cosmetic composition according to claim 79, wherein in said at least one  
silicone gum ~~is a gum wherein (a)~~ R1 to R6 and X are methyl.

98. A cosmetic composition according to claim 79, wherein in said at least one  
silicone gum ~~is a gum wherein~~ R1 to R6 and X are methyl, and p ~~[[=]]~~ is 0.